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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/154,431	09/16/1998	FRANCOIS MENARD	GGD-101	6969

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EXAMINER

DUONG, DUC T

ART UNIT PAPER NUMBER

2663

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/154,431

Applicant(s)

MENARD ET AL.

Examiner

Duc Duong

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-21,23-31 and 33-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-21,23-31 and 33-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 33.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

Claim Objections

1. Claim 11 is objected to because of the following informalities: On line 9 of the claim, the word "and" should be changed to "or" to conform to the claim language. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 2, 4, 6, 8-10, 20, 23, 25, 33, and 35-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Kubler et al (U.S. Patent 5,726,984).

Regarding to claim 33, Kubler discloses a telephone to packet adapter (access device) for routing an outgoing call issued by a telephone set in a user's

home (Fig. 55a col. 82 lines 3-17), said adapter comprising a telephone line interface (implicitly shown) configured to be connected to a user's home telephone line 5596 (Fig. 55b col. 85 lines 40-43); a telephone interface (implicitly shown) configured to be connected to the telephone set 5583 (Fig. 55b col. 9 lines 21-26); a packet network interface (implicitly shown) configured to be connected to a packet network 5598 (Fig. 55b col. 85 lines 52-61); and a controller circuit (conversion circuitry) interconnecting said telephone line interface, said telephone interface and said packet network interface (Fig. 55a col. 84 lines 42-51); said controller circuit being so configured as to route said outgoing call to one of said telephone line and said packet network interfaces (col. 95 lines 43-47) depending on at least one pre-established routing rule (col. 95 lines 4-5).

Regarding to claims 2 and 20, Kubler discloses the packet network interface is a local area network interface configured to be connects to a local area network 1302 (Fig. 55a col. 82 lines 5-6).

Regarding to claim 4, Kubler discloses the controller circuit includes software 202 for control of call routing (Fig. 56a col. 87 lines 21-33).

Regarding to claims 6, 8, 9, 23, 25, and 35-37, Kubler discloses for a routing rule such upon detecting the dialed number, an internet address (packet address) is search in a cross-reference database (col. 101 lines 56-63), wherein if internet address cannot be found a conventional telephone switching network is use route the call (col. 102 lines 4-8) and if the internet address can be found an internet connection is use to route the call (col. 101 lines 14-17). Noted, herein

the internet address is associated with a telephone number, thus when the internet address cannot be found, it implied the telephone number also cannot be found. Also, when the internet address cannot be found, it is interpreted as the packet network being inactive.

Regarding to claim 10, Vaziri discloses a speech encoder/decoder 5621/5625 to encode and decode data (Fig. 56a col. 89 lines 43-52).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11, 12, 14, 16-18, 26, 29, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubler in view of Baratz (U.S. Patent 5,742,596).

Regarding to claims 11 and 26, Kubler discloses all the limitation with respect to claim 33, except for a local area network interface configured to be connected to a local area network and a controller circuit. However, Baratz discloses packet-based communication comprising a NIC 43 (LAN interface) connected to a local area network 37 (Fig. 1 col. 4 lines 29-37) and a processor 140 (Fig. 5 col. 60-64; controller circuit). Thus, it would have been obvious to a person of ordinary skill in the art to employ the LAN interface as taught by Baratz in Kubler's system to provide communication between two or more devices operating within near proximity, such as within a building or office. The

motivation to do so would have been to allow the devices to shared the network resources.

Regarding to claim 12, Kubler discloses the controller circuit includes software 202 for control of call routing (Fig. 56a col. 87 lines 21-33).

Regarding to claims 14, 16, 17, 29, and 31, Kubler discloses for a routing rule such upon detecting the dialed number, an internet address (packet address) is search in a cross-reference database (col. 101 lines 56-63), wherein if internet address cannot be found a conventional telephone switching network is use route the call (col. 102 lines 4-8) and if the internet address can be found an internet connection is use to route the call (col. 101 lines 14-17). Noted, herein the internet address is associated with a telephone number, thus when the internet address cannot be found, it implied the telephone number also cannot be found. Also, when the internet address cannot be found, it is interpret as the packet network being inactive.

Regarding to claim 18, Vaziri discloses a speech encoder/decoder 5621/5625 to encode and decode data (Fig. 56a col. 89 lines 43-52).

5. Claims 1, 3, 13, 19, 21, 27, 28, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubler and Baratz, further in view of Vaziri et al (U.S. Patent 6,671,272 B2).

Regarding to claims 1, 13, 19, 21, 27, 28, and 34, Kubler and Baratz disclose all the limitation with respect to claims 11, 26, and 33, except for one pre-established routing rule of said outgoing call is routed to said telephone line interface when a dialed telephone number is a local call and b) said outgoing call

is routed to said packet network interface when the dialed telephone number is not a local call. However, Vaziri discloses an internet switch box for routing call with one pre-established routing rule that such a) said outgoing call is routed to said telephone line interface when a dialed telephone number is a local call and b) said outgoing call is routed to said packet network interface when the dialed telephone number is not a local call (col. 3 lines 58-65). Thus, it would have been obvious to a person of ordinary skill in the art to employ the routing rule as taught by Vaziri in Kubler and Baratz's system to provide new service to customers, wherein a long distance call can be complete at reduced cost using the Internet and a local call can be complete with improved stability and voice quality using PSTN (col. 3 lines 58-65). The motivation to do so would have been to offer customers a range of quality of services (Qos) for call connection.

Regarding to claim 3, Kubler discloses all the limitation with respect to claim 1, except for a gateway to connect to the local area network. However, Vaziri discloses an internet switch box comprising a local area network interface configured to be connects to the local area network 1302 via a gateway 1306 (Fig. 13 col. 23 lines 22-25). Thus, it would have been obvious to a person of ordinary skill in the art to employ a gateway to connect to a local area network as taught by Vaziri in Kubler's system to provides interoperability with other networks. The motivation to do so would have been to accommodate the different networks with protocol conversion.

6. Claims 7, 15, 24, 30, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubler and Baratz, further in view of Benson (U.S. Patent 5,978,469).

Regarding to claims 7, 15, 24, 30, and 38, Kubler and Baratz disclose all the limitation with respect to claims 6, 11, 19, 26, and 33, respectively, except for a pre-established routing rule, wherein the call is routed to the telephone line interface when it is an emergency number. However, Benson discloses a control system to route a call to the telephone line when the dialed number is an emergency (col. 4 lines 20-28). Thus, it would have been obvious to a person of ordinary skill in the art to employ a routing rule as taught by Benson in Kubler's system to give priority of routing specific call. The motivation to do so would have been to provide immediate access to emergency services.

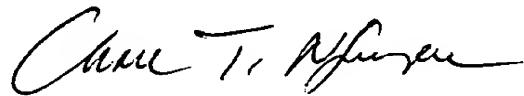
Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 703-605-5146. The examiner can normally be reached on M-Th (9:00 AM-6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DD



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